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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,917	09/29/2000	Norikazu Mizuno	81877.0007	1895

26021 7590 10/22/2002

HOGAN & HARTSON L.L.P.  
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SUITE 1900  
LOS ANGELES, CA 90071-2611

EXAMINER

GUERRERO, MARIA F

ART UNIT	PAPER NUMBER
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2822

DATE MAILED: 10/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicant N .

09/670,917

Examiner

Maria Guerrero

Applicant(s)

MIZUNO ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 4-21 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 13-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-12 and 19-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

1. This Office Action is in response to the Amendment filed June 26, 2002.

Claim 3 is canceled.

Claims 1-2 and 4-21 are pending.

### ***Election/Restrictions***

2. Newly submitted claims 9 and 13-18 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claim 9 now has more apparatus structure limitations and therefore does not fall under the scope of the method of manufacturing as once previously considered to do.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 9 and 13-18 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Response to Amendment***

5. The amendment filed June 26, 2002 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "without using plasma", "preferably every time a thickness of the formed silicon nitride film reaches 3000 angstroms, the silicon nitride film formed in the reaction container is removed, with NF<sub>3</sub> gas flowing into the reaction container".

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-2, 4-8, 10-12, and 19-21 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The new limitations: "without using plasma", "every time a thickness of the formed silicon nitride film reaches 3000 angstroms, the silicon nitride film formed in the reaction container is removed, with NF<sub>3</sub> gas flowing into the reaction container".

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2 and 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al. (JP 06-080962) (Translation) in view of Moore et al. (U.S. 6,251,802).

Mori et al. teaches forming a silicon nitride film on a reaction container, removing silicon nitride film by introducing  $\text{NF}_3$  gas. Mori et al. teaches the silicon nitride film is deposited by CVD using silane and  $\text{NH}_3$ . Mori et al. discloses the pressure ranging from several Torr to normal pressure (Translation).

Mori et al. fails to show forming the silicon nitride film with bis tertiary butyl amino silane and  $\text{NH}_3$ . However, Moore et al. shows forming a silicon nitride layer with bis tertiary butyl amino silane and  $\text{NH}_3$  by chemical vapor deposition (col. 5, lines 25-35, col. 7, lines 3-15).

Mori et al. does not specifically show the reaction container being made of quartz. However, this is well known in the art.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Mori et al.'s process by including the use of bis tertiary butyl amino silane as taught Moore et al. The modification would eliminate buildup of the silicon nitride layer on internal chamber parts and would produce less global warming gas effluents.

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8. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Langan et al. (U.S. 5,413,670) in view of Moore et al. (U.S. 6,251,802).

Langan et al. teaches forming a silicon nitride film on a reaction container, removing silicon nitride film from a CVD reactor by introducing  $\text{NF}_3$  gas (Abstract, col. 4, lines 3-10).

Langan et al. fails to show forming the silicon nitride film with bis tertiary butyl amino silane and  $\text{NH}_3$ . However, Moore et al. shows forming a silicon nitride layer with bis tertiary butyl amino silane and  $\text{NH}_3$  by chemical vapor deposition (col. 5, lines 25-35, col. 7, lines 3-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Langan et al.'s process by including the use of bis tertiary butyl amino silane as taught Moore et al. The modification would eliminate buildup of the silicon nitride layer on internal chamber parts and would produce less global warming gas effluents.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1-2, 4-8, 10-17, and 19-21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria Guerrero whose telephone number is 703-305-0162.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead Jr. can be reached on 703-308-4940. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7382 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

MG  
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October 21, 2002

  
CARL WHITEHEAD, JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800